

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

No. CV 08-929 BB/LFG  
CR 03-0777 BB

CALVIN SINKS,

Defendant-Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS  
AND RECOMMENDED DISPOSITION  
AND DISMISSING ACTION WITHOUT PREJUDICE**

THIS MATTER is before the Court on the Magistrate Judge's Findings and Recommended Disposition, filed January 14, 2009 [Doc. 9]. Defendant/Movant Calvin Sinks ("Sinks") did not file objections, and the deadline for filing objections has passed. The Court accepts the report and recommendation of dismissal and concludes that Sinks' § 2255 petition will be dismissed, without prejudice.

IT IS HEREBY ORDERED that the Findings and Recommended Disposition of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that Sinks' § 2255 Motion [Doc. 1] and this matter is DISMISSED, without prejudice.



UNITED STATES DISTRICT JUDGE